

**Maryland Board of Pharmacy
Public Board Meeting**

**Agenda
May 20, 2020**

Name	Title	Present	Absent
Ashby, D.	Commissioner		
Bouyoukas, E	Commissioner		
Evans, K.	Commissioner		
Fink, K.	Commissioner		
Hardesty, J.	Commissioner/Treasurer		
Geigher, P.	Commissioner		
Leikach, N.	Commissioner		
Morgan, K.	Commissioner/President		
Oliver, B	Commissioner		
Rusinko, K.	Commissioner/Secretary		
Singal, S.	Commissioner		
Yankellow, E.	Commissioner		
Bethman, L.	Board Counsel		
Felter, B.	Board Counsel		
Speights-Napata, D.	Executive Director		
Fields, E.	Deputy Director /Operations		
James, D.	Licensing Manager		
Leak, T.	Compliance Director		
Clark, B.	Legislative Liaison		
Chew, C.	Management Associate		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)
I. Executive Committee Report(s)	A.) K. Morgan, Board President B.) K. Rusinko, Secretary	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> 1. Call to Order 2. Sign-in Introduction and of meeting attendees – <i>(Please indicate on sign-in sheet if you are requesting CE Units for attendance)</i> 3. Distribution of Agenda and packet materials 4. Review and approve April 2020 Public Meeting Minutes 	
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<ol style="list-style-type: none"> 1. Virtual Inspections Update 2. NABP District 1 and 2 Meeting Update 3. Board of Pharmacy Schools Committee Meeting 4. NABP Updates: Annual Meeting, Licensing, and COVID-19 5. Staffing Update 6. Extension of licensing permits and registrations 7. Board of Pharmacy Website Updates 	
B. New Business	K. Morgan, Board President		
C. Operations	E. Fields, Deputy Director/Operations	<ol style="list-style-type: none"> 1. Procurement and Budget Updates a: April 2020 Financial Statements 2. Management Information Systems (MIS) Unit Updates a: None 	
D. Licensing	E. Bouyoukas, Commissioner	<ol style="list-style-type: none"> 1. Unit Updates 2. Monthly Statistics 	

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		<table><tr><td>License Type</td><td>New</td><td>Renewed</td><td>Reinstated</td><td>Total</td></tr><tr><td>Distributor</td><td>7</td><td>0</td><td>0</td><td>1,385</td></tr><tr><td>Pharmacy</td><td>9</td><td>927</td><td>0</td><td>2,051</td></tr><tr><td>Pharmacist</td><td>11</td><td>466</td><td>0</td><td>12,468</td></tr><tr><td>Vaccination</td><td>13</td><td>136</td><td>0</td><td>4,872</td></tr><tr><td>Pharmacy Intern - Graduate</td><td>0</td><td>0</td><td>0</td><td>58</td></tr><tr><td>Pharmacy Intern - Student</td><td>21</td><td>2</td><td>0</td><td>701</td></tr><tr><td>Pharmacy Technician</td><td>65</td><td>317</td><td>2</td><td>10,076</td></tr><tr><td>Pharmacy Technician-Student</td><td>4</td><td>0</td><td>0</td><td>42</td></tr><tr><td>TOTAL</td><td>130</td><td>1,848</td><td>2</td><td>31,653</td></tr></table>	License Type	New	Renewed	Reinstated	Total	Distributor	7	0	0	1,385	Pharmacy	9	927	0	2,051	Pharmacist	11	466	0	12,468	Vaccination	13	136	0	4,872	Pharmacy Intern - Graduate	0	0	0	58	Pharmacy Intern - Student	21	2	0	701	Pharmacy Technician	65	317	2	10,076	Pharmacy Technician-Student	4	0	0	42	TOTAL	130	1,848	2	31,653	
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E. Compliance	T. Leak, Compliance Director	<div>1. Unit Updates</div> <div>2. Monthly Statistics</div> <div>Complaints & Investigations:</div> <div>N New Complaints - 46</div> <div><div>Inspection Issues – 28</div></div>																																																			

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		<ul style="list-style-type: none"> • Unprofessional Conduct – 2 • Medication Error – 3 • Dispensing Error – 1 • Disciplinary Action in Another State – 4 • VPP Inspection Issues – 2 • Employee Pilferage – 1 • Refusal to Fill – 1 • Customer Service – 2 • Dispensing without a Permit – 1 • Applicant – 1 <p>Resolved (Including Carryover) – 51 Actions within Goal – 47/51 = 92% Final disciplinary actions taken – 8 Summary Actions Taken – 1 Average days to complete – 56</p> <p>Inspections:</p> <p>Total - 76 Annual Inspections - 57 Opening Inspections - 13 Closing Inspections - 3 Relocation/Change of Ownership Inspections - 3 Board Special Investigation Inspections – 0</p>	
F. Legislation & Regulations	B. Clark, Legislative Liaison	<p><u>Regulations</u></p> <p>Tech-Check-Tech Update</p> <p><u>Legislation</u></p>	

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		Departmental Legislative Proposal Update	
III. Committee Reports A. Practice Committee	Evans, K. Commissioner	<p>Michele Compton-Plummer-Nations Home Infusion, LLC: I'm a Home Infusion Pharmacist. Often we receive Prescription orders for Intravenous antibiotics i.e. Ceftriaxone, Cefazolin, on a "Face to Face" encounter from the hospital.</p> <p>Can this be used as a legitimate prescription for dispensing. I have attached two sample orders for your review.</p> <p>Proposed response: Provided that the document contains all elements of a valid prescription, it would suffice as a prescription. However, please note that the document you included did not contain a valid signature. To be valid, the document would need to include a handwritten signature or would require oral verification from the prescriber (or the prescriber's agent). COMAR 10.34.20.01-04.</p> <p>Mark Cushing-Animal Policy Group LLC: I am requesting amending your administrative rule providing a list of technical resources to be available in pharmacies in your state. We urge you to add a veterinary drug reference for those pharmacies dispensing veterinary prescriptions. I have attached draft language for such an amendment in your Board of Pharmacy regulations. Please do not hesitate to call or email with questions of comments.</p> <p>Proposed response:</p> <p>Under current Board of Pharmacy regulations, pharmacies are required to have a library that is commensurate with their practice areas (COMAR 10.34.07.03A and COMAR 10.34.14.02A(3)(e)). Therefore, pharmacies that dispense veterinary medicine should have veterinary references in their library.</p> <p>Lauren Z Groebe – Morgan, Lewis & Bockius LLP: I am emailing the Maryland Board of Pharmacy to confirm that Maryland's pharmacy regulations would permit a pharmacy's use of a secure patient prescription</p>	

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		<p>pick-up (“Electronic Will Call Bin”) located within the pharmacy prescription area and subject to the operational conditions described below.</p> <p><u><i>Prescription Pick-up Location.</i></u> The Electronic Will Call Bin would be located in the pharmacy’s prescription area as defined by MD. CODE REGS. 10.34.05.01 (2020). Specifically, the Electronic Will Call Bin would be immediately adjacent to the patient prescription pick-up windows. An illustration depicting where the Electronic Will Call Bin would be located in the pharmacy area is attached for reference. The Electronic Will Call Bin itself will be secured and built in the outer wall of the pharmacy so that the pharmacists and pharmacy staff remain in the prescription area while loading prescriptions into the Electronic Will Call Bin. The prescriptions are filled, verified, bagged, and then placed into the back end of the secure Electronic-Will Call Bin in advance of a patient coming to the pharmacy to pick up the prescription. The patient would pick up the prescription from the other side of the secure Electronic Will Call Bin, from an area outside of the prescription area, just as they would if picking the prescription up from the pick-up windows. This Electronic Will Call Bin is <u>not</u> a freestanding locker or kiosk, but rather is within the pharmacy space. Patients have no access to the prescription area when picking up their prescription in the Electronic Will Call Bin. With this Electronic Will Call Bin, the only access to the pharmacy area remains only through entry to the pharmacy by authorized personnel and that access to the prescription area will remain appropriately monitored to secure the prescription area’s contents and prevent unauthorized entry, as required by MD. CODE REGS. 10.34.05.02 (2020).</p> <p><u><i>Prescription Pick-up Operations.</i></u> The prescriptions that would be placed into the Electronic Will Call Bin would not include any controlled substances. The Electronic Will Call Bin would be accessible by pharmacy customers only during the hours that the pharmacy was open (i.e., <u>no</u> after hour operations/pick-ups) to ensure that a supervising pharmacist is on the premises and immediately available to provide the patient pharmacy services as needed as required by MD. CODE REGS. 10.34.05.02 (2020). To be clear, a pharmacist will be available at the pharmacy at the time the patient picks up the prescription from the Electronic Will Call Bin to counsel the patient as required by MD. CODE REGS. 10.34.26.02 (2020). The patient or authorized representative would access the</p>	

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		<p>Electronic Will Call Bin via a secure code provided to them before prescription pick up.</p> <p><i>Distinction from a Depot.</i> I understand that the Maryland regulations expressly prohibit pharmacies from delivering prescriptions to a depot or establishing depots. MD. CODE REGS. 10.34.25.04 (2020). However, this Electronic Will Call Bin is not a depot for two reasons. First, the Electronic Will Call Bin is located in the pharmacy's prescription area. Depots do not include "the prescription area of a pharmacy." MD. CODE REGS. 10.34.25.02 (2020). Second, Maryland defines a depot as "a location where filled prescriptions are stored before <i>delivery</i> to the intended patient or the intended patient's authorized agent." MD. CODE REGS. 10.34.25.02 (2020). However, the patient prescriptions loaded into the Electronic Will Call Bin would not be stored prior to <i>delivery</i>; rather, the prescription is located in the Electronic Will Call Bin, as it would be in the pick-up bin, for the convenience of the patient and pharmacy staff to pick up at the pharmacy, and the prescription remains in the pharmacy area and subject to the control of the pharmacist. Delivery means "to <i>send</i> a prescription medication <i>from a pharmacy</i> by the United States Postal Service, common carrier, or delivery system <i>to an address</i> within the State." MD. CODE REGS. 10.34.25.02 (2020). Here, the prescriptions are never leaving the pharmacy's prescription area for delivery to the patient via a mail service; the patient comes to the pharmacy to pick the prescription up from the Electronic Will Call Bin.</p> <p>Proposed response: This is permissible, as described, provided that the box is only accessible while the pharmacy is operational.</p>	
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B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a. #121534 - Requesting a one-year extension of his application due to COVID 19. He cannot travel to USA from India to take NAPLEX examination due to travel restrictions. Also, his Mother has been diagnosed with Stage 4 carcinoma. <i>Committee's recommendation: Deny, must reapply with the Board</i></p> <p>b. #120426 - Requesting ATT extension for MPJE until August 2020 due to testing center closures. She has been informed her application is expired and that she is also required to take the NAPLEX. <i>Committee's recommendation: Approve extension for 9 months, must reapply with the Board</i></p> <p>c. #123611 - Requesting ATT approval extension until June 2020 due to testing center closures. <i>Committee's recommendation: Approve extension for 9 months</i></p> <p>d. S.A. - Requesting extension for MPJE eligibility. She will be applying for licensure by reciprocity. She applied for the MPJE 04/19/2019. <i>Committee's recommendation: Deny, must reapply with the Board</i></p> <p>e. P.K. - Requesting waiver of FPGEC. He completed internship hours in Maryland and holds an active license in DC that is in good standing. <i>Committee's recommendation: Deny</i></p>	

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		<p>f. #121037 - Requesting extension of Board application and NAPLEX score. NAPLEX score expired 07/02/2019, passed with a score of 78. Failed MPJE on 04/20/2020 with a score of 72. <i>Committee's recommendation: Approve extension for 9 months, must reapply with the Board</i></p> <p>g. A.P. - Pharmacist is requesting a "temporary license" until his license reinstated. He has been actively practicing in Delaware for the past few years and has an immediate job opportunity in Maryland. Reinstatement is pending passing of the MPJE. <i>Committee's recommendation: Deny</i></p> <p>h. J.M. - Pharmacist JM is requesting a waiver of the reinstatement process. She was due to renew by Dec 31, 2019, however, she had a baby and traveled outside USA to meet the family, forgetting about her renewal. She is now "stuck" in India due to the COVID 19. She would like to know is it possible if the Board can allow her to renew her license online? She has the required CE credits. <i>Committee's recommendation: Deny, must mail in reinstatement application.</i></p> <p>i. K.O.E. - Applicant is requesting an extension of his eligibility to take the NAPLEX. His NAPLEX exam that was scheduled for 5/5/2020 was canceled. Per the email he received he has until June 4, 2020 to reschedule and take the NAPLEX. Board application expires 05/06/2020. <i>Committee's recommendation: Approve extension for 9 months, including Board application.</i></p>	

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		<p>2. Review of Pharmacy Intern Applications:</p> <p>a. B.F. - Registrant is requesting an extension of her Student Intern registration until next year, when she expects to graduate. Her anticipated graduation was May 2019 but due to academic progression delay and personal reasons, her graduation has been set for December 2020. <i>Committee's recommendation: Approve extension until July 2020. If the State of Emergency is still in effect in July, she may continue to work as an intern. Inform registrant there will not be another extension granted and she will need to apply as a technician.</i></p> <p>b. C.C. - Registrant is taking a leave of absence for the fall semester and will be reentering her program January 2021. She is requesting her registration remain active during her leave of absence. <i>Committee's recommendation: Extend until May 31, 2021. Beyond that she will need to enter a technician training program or become nationally certified.</i></p> <p>3. Review of Pharmacy Technician Applications:</p> <p>a. B.B. - The applicant is currently working to complete her technician registration application. She was required to have had her technician registration by 05/01/2020. Due to COVID 19 and her inability to schedule an appointment with CJIS for her state background check. She is now requesting an extension of her registration application. The Board has not yet received a technician application.</p>	

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		<p><i>Committee's recommendation: Approve extension for 6 months</i></p> <p>b. David Lowery - Pharmacist Lowery is a pharmacy manager who has a technician who has been training to take the national exam. Since the testing sites are closed and his probation period is up at end of month what can be done? <i>Committee's recommendation: Approve for 6 months</i></p> <p>c. Cantners Drug Store - Requesting an extension of the 6-month technician training requirement. The potential technician 6 months ended 04/28/2020. Requesting 30 days after the pandemic ends for the test to be taken as Pearson Vue. <i>Committee's recommendation: Approve, continue to check with Pearson Vue</i></p> <p>4. Review of Distributor Applications: NONE</p> <p>5. Review of Pharmacy Applications:</p> <p>a. BDRN LLC - The Pharmacy is requesting approval for use of an inspection report from September 2015. The NJ Board has not inspected the facility within the past two years and does not honor requests for inspections. Disciplinary: In 2009 the NJ Board of Pharmacy fined the pharmacy \$400 for deficiencies found during an inspection. Licensing committee approved request at the 03/04/2020 meeting. The Board voted at the 03/18/2020 meeting to table the application for the following: Company must submit a formal request to the NJ Board for inspection. The request and the NJ Board response</p>	

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		<p>must be provided. NJ response: Because of the current COVID-19 pandemic, all non-critical pharmacy inspection is temporarily being delayed by the New Jersey Board of Pharmacy. Committee's recommendation: Deny</p> <p>b. Central Admixture - Pharmacy is requesting an extension to provide a replacement MD licensed pharmacist. Due to the COVID-19 pandemic, testing has been delayed. The incoming MD licensed pharmacist, Frank Trollo has submitted an application and is pending passing the MPJE. Committee's recommendation: Approve extension for 60 days</p> <p>6. Review of Pharmacy Technicians Training Programs: NONE</p> <p>7. New Business:</p> <p>a. New Vaccination Applications - Are exceptions being made for new Vaccination registration applicants who are unable to obtain "live" CPR courses? Committee's recommendation: There are no exceptions being made for new Vaccination applicants understanding that "live" CPR courses are available.</p>	
C. Public Relations Committee	E. Yankellow, Chair	Public Relations Committee Update:	
D. Disciplinary	J. Hardesty, Chair	Disciplinary Committee Update	

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E. Emergency Preparedness Task Force	N. Leikach, Chair	Emergency Preparedness Task Force Update	
IV. Other Business & FYI	K. Morgan, President		
V. Adjournment	K. Morgan, President	<p>A. The Public Meeting was adjourned.</p> <p>B. K. Morgan convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</p> <p>C. The Closed Public Session was adjourned. Immediately thereafter, K. Morgan convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p> <p>D. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Closed Public Session and the Administrative Session.</p>	